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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,220	07/14/2003	David Baumgarten	BAU 014	8758
26991	7590	09/16/2004	EXAMINER	
DAVID S. DOLBERG 37 TERRACE AVE. RICHMOND, CA 94801			JILLIONS, JOHN M	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

KM

**Office Action Summary**

Application No.

10/620,220

Applicant(s)

BAUMGARTEN, DAVID

Examiner

John M. Jillions

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 5 is/are rejected.
- 7) ☒ Claim(s) 3 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: page 3, line 8, the spelling of “maintained” should be corrected.

Appropriate correction is required.

### ***Drawings***

2. The drawings are objected to because in Fig. 2 the numeral 32 is used to designate the outer end of the spring 30, but in Fig. 1 the numeral 32 is used to designate the groove in threaded stem 17 (see page 5, lines 13-17). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

3. Claim 4 is objected to because of the following informalities: In line 4 of claim 4, "rotatable" should be changed to --rotatable--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klangos in view of Carlson. Klangos discloses a card holder tethered by a tape 70 to a reel within a housing 10. The housing includes a tape orientating slot 86 and the tape includes means 24 for attaching to the card. Klangos discloses a tape measure 20 attached directly to the retractor spring 23 for retracting the tape measure into the housing 28. It would have been obvious to one of ordinary skill in the art to directly attach the tape 70 of Klangos directly to the retractor spring rather than using a reel in view of the teaching of Carlson. Such a modification would have been obvious since it would have saved on material and expense.
6. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klangos in view of Wilkins. It would have been obvious to one of ordinary skill in the art to provide the reel retraction spring of Klangos within a cavity of the reel rather than acting through the mounting shaft as in Klangos, in view of the teaching of Wilkins, note spring D within a cavity

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of the reel. Such a modification of Klangos would have been obvious since it would make his device more compact.

7. Claims 4-5 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Kagel in view of Cahill. Kagel discloses a spring retractor having means 18, 20, 22 for attaching a card to the tether 14. Cahill discloses a card tether in various embodiments, and specifically in Fig. 10 a spring reel could be tethered to a card by a tape or band, see col. 5, line 58 and col. 6, lines 1-3. It would have been obvious to one of ordinary skill in the art to use a tape as the tether 14 in Kagel in view of the teaching of Cahill that a tether for a card can be in the form of an elongated band or tape. Regarding claim 5 in a stationary position of the spring retractor of Kagel the card would be held in any desired position including parallel to the face of the housing.

#### ***Allowable Subject Matter***

8. Claims 3 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stamm, Paugh et al, Small and Rankin are cited to show other retractors. The art cited in the description of the background of the invention has been considered by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Jillions whose telephone number is (703) 308-2685. The examiner can normally be reached on M-F 9:15 - 5:45.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Jillions  
Primary Examiner  
Art Unit 3654

jmj